



**SPECIAL MEETING OF THE COMMON COUNCIL
MIDDLETOWN CONNECTICUT
AUGUST 4, 2014**

Special Meeting: The Special Meeting of the Common Council was held in the Council Chamber of the Municipal Building on Monday, August 4, 2014 at 6 p.m.

Present: Deputy Mayor Robert P. Santangelo, Council Members Serra, Bartolotta, Kasper, Faulkner, Chisem, Daley, Giuliano, Russo Driska, Kleckowski, and Bauer; Council Clerk Marie Norwood and Sergeant-at-arms Officer Hadad.

Absent: Mayor Daniel T. Drew, Corporation Counsel Daniel Ryan, and Councilman James B. Streeto

Also Present: Directors: William Russo, Michiel Wackers, Wayne Bartolotta, Robert Kronenberger, Linda Bettencourt, Damon Braasch, William McKenna, Guy Russo, Carl Erlacher, Justin Carbonella, Kathy Morey, Faith Jackson, Brig Smith, Arthur Meyers, Acting Directors Deb Stanley and Eldon Bailey, Chief Sanitarian Salvatore Nesci and Arts Coordinator Stephan Allison, and 35 members of the public.

1. Mayor calls meeting to order.

(Pledge of Allegiance)

(Council Clerk Reads the Call of the Meeting and Mayor declares call a legal call and meeting a legal meeting.)

2. Questions to Directors Opens

Councilwoman Kasper calls William Russo forward. She asks on the appropriation for \$75,000 for the Parks Division to look at the parks. Mr. Russo states they will give us a comprehensive report on the parks. Also, they will do a numbers study; how many are into soccer or lacrosse to see what the kids are interested in and they will report to Public works and then the Council

Noted for the Record

Council Members Russo Driska and Serra take their seats at 6:03 p.m.

Councilwoman Kasper asks if there is a dollar amount; Mr. Russo states they did a similar study and they will come in with a laundry list and leave it to the Council; we can do it that way or go for a bond. Councilwoman Kasper likes the idea to look at the needs of the kids. Mr. Russo responds it was asked about the playscapes and they are not on here and they are in compliance.

Councilman Giuliano asks looking at the report they put a number down of \$69,600; why shouldn't we appropriate that. Mr. Russo states we rounded it up because sometimes things come up and he did not want to come back if they end up short. Councilman Giuliano does not want to send a signal to the vendor regarding the dollar amount because they could change it; Mr. Russo responds it is a small contingency.

Noted for the Record

Councilman Chisem takes his seat at 6:06 p.m.

Councilwoman Kleckowski asks to follow up on the numbers; how far are they looking out and looking at the numbers of kids increasing and decreasing and adults using the parks. Mr. Russo responds that is it exactly; we will coordinate with Deb Stanley. Mr. Russo states there is a shift from soccer to lacrosse. We will have all those numbers. Councilwoman Kleckowski asks if they will they be talking with parents with their concerns. Mr. Russo responds the first step is head of the organizations first and deal with them directly and work with Public Works Commission.

Councilman Serra asks to clarify the extra money is for contingency as it is going to be a running analysis and consultants will be coming to meetings and if we want them to do something else, we will have the funds. Councilman Giuliano states as long as it doesn't get spent without the Commission authorizing it. Councilman Serra responds yes, it will be spent after the Commission authorizes it.

Councilwoman Kasper asks to address questions to Carl Erlacher.

Noted for the Record

Councilman Faulkner takes his seat in the chamber at 6:09 p.m.

Councilwoman Kasper asks for a member of the Board of Education. Business Manager Lynda MacPherson comes forward. Councilwoman Kasper states we have a resolution about consolidating the copy service lease; she doesn't see a financial impact. Ms MacPherson responds she is in the process of verifying that; some copiers are going through to the end of June 30, 2015 and if the new lease will take over those payments. I do not have an answer but the expected savings is about \$22,000 but she has not verified that herself. Councilwoman Kasper asks if it will be additional costs. Ms Macpherson states we are saving on the copiers that are done with the leases done June, 2014; they are the savings for the following year. If we didn't incorporate them all into the lease, we would not have any savings because we would have had to go out to get copiers for five year leases. She states she has been on vacation, but she has not received the information as yet.

Noted for the Record

Councilwoman Bartolotta takes her seat at 6:12 p.m.

Councilman Giuliano states the city signs the lease, then the Board of Education funds the lease and then city assigns the lease. General Counsel Brig Smith comes forward to respond to the procedure. He states the financial documents are through DeLage Landen and they tried to get the City out as middleman and they said their boiler plate would stay the same. He was able to get an assignment from the City to the Board and that sufficed DeLage Landen and gets the City out of it. Councilman Giuliano states we are guaranteeing it; Atty. Smith responds this is minimizing the risk to the City. Councilman Giuliano states it is under the jurisdiction of the City and the coverage ends up at the Board they could be calculated into the MBR and they should not be and he feels that is what is happening. Why not sign the lease and handle the adjustment internally. Atty. Smith replies it is a different way to go. That is a policy decision. Councilman Giuliano is looking at the grant confirmation and approval what are the central office receipts. Ms Macpherson responds the bulk of the money is the excess cost reimbursement from the State; they send us half in the November timeframe and May and at the end of the year we do a final after the audit, we submitted a higher cost to the state and it is sent to the city. Councilman Giuliano states it is an adjustment from the state. Ms Macpherson responds yes.

Councilwoman Kasper asks for Carl Erlacher, Director of Finance. She states there is a resolution to consolidate the copier services and the resolution does not have a financial impact and do you know what that is. Mr. Erlacher responds there would not be a financial impact for the city; we are Mr. Erlacher Carl states you would have to ask the Board.

Noted for the Record

Councilman Daley takes his seat at 6:17 p.m.

Councilwoman Bartolotta asks about Exhibit A and Exhibit B; Atty. Smith states Exhibit A and B are examples of what we did last year; current year numbers come from the Board. It is what the documents looked like last year.

Point of Information

Councilman Serra states point of information: it would be the same amount of savings over last year. Mr. Erlacher states it was roughly \$50,000. Councilman Serra that is what the savings will be and that is why it was forwarded to the Council and it is the same as last year. Mr. Erlacher responds that is correct. Mr. Erlacher states it was the Board of Education consultant that was there. Councilwoman Bartolotta states she abstained from the vote and looked at the paper work, there was nothing in writing so we have nothing in writing and it is all verbal. She reads the savings and it is two different numbers. She is looking for something in writing for the savings for the Board of Education.

Councilwoman Kasper has questions for Finance. Councilwoman Kasper says it was stated there was a \$50,000 contract and Lynda mentioned \$22,000; do we know what it is. Mr. Erlacher states the Board of Education was at Finance and Government Operations and they said they saved roughly \$50,000 last time and were expecting to save the same amount again. Councilwoman Kasper asks if there was anything in writing that indicated what the savings was. Mr. Erlacher states it was not given to him. Councilwoman Bartolotta states she has the packet and that is why she posed the question.

Point of Information

Councilman Serra makes a point of information: this is simply for us to give our credit backing for this project the way we did it last year.

Councilman Bauer asks one of the things that swayed the vote to forward this was that there is another element that you can quantify; when we consolidate contracts what is the effect on internal operations overseeing one contract or many with different terms. Mr. Erlacher states it

will save man hours when you have one contract versus multiple contracts and the Board spoke to that.

Councilman Giuliano asks for the Parking Director. Geen Thazhampallath comes forward. Councilman Giuliano states on the \$95,000 for Arcade repairs and it is a renewal appropriation and not having been on that Council I do not feel bound by what they did. This is a structure that is dated; is there a revenue stream from the lower level that this money will protect. Mr. Thazhampallath states no. Councilman Giuliano states will the city incur a significant expenditure if we don't repair the lower level. Mr. Thazhampallath he can only speculate if concrete fell or damage was to happen. Councilman Giuliano states if we close the lower level would the expenditure be incurred. Mr. Thazhampallath states no.

Councilwoman Bartolotta states she was here and her question is the \$95,000 is not resolving the issues; it is a band aide. Mr. Thazhampallath responds that is correct; we are addressing significant concrete decay and it won't make every problem go away. Councilwoman Bartolotta we had emergency repair work in March, would this have been part of this fix. Mr. Thazhampallath responds yes; but we needed to act on it. Councilwoman Bartolotta we could make the repairs but next week we couldn't guarantee them. Mr. Thazhampallath we could have future problems. Councilwoman Bartolotta states there is an option to rent at Middle Oak and what is that expenditure for one year. Mr. Thazhampallath replies we were quoted \$65 per space; for a month, it is \$6,500 and for a year it is \$70,000 or \$80,000. Councilwoman Bartolotta this would allow us to reduce insurance and claims. Mr. Thazhampallath states correct.

Councilman Bauer asks Mr. Thazhampallath to speculate; we will have a workshop later this month about a new parking garage and although not officially doesn't it have the same footprint. Mr. Thazhampallath responds yes. Councilman Bauer given my understanding of physics if you correct a new one, the old one has to go so the whole concept of repairs, they might be short term. Mr. Thazhampallath replies they would be temporary and you have to face the possibility that a public referendum would not pass and would push back the date of construction. Minimum window is two years. Councilman Bauer should the parking garage go forward wouldn't you need a plan for alternate parking and do you have one in place for parking now. Mr. Thazhampallath states the current plan would be to move city employees; there are some spaces in the Courthouse parking and once that is allocated and move the daily parkers to Melilli, we have to find outlying places for the bulk of employees and may have to consider shuttle service to get people here.

Councilwoman Kasper asks if the garage is totally closed now. Mr. Thazhampallath not currently; the police use it. The bulk of the parking for the Police Department is during the day. Councilwoman Kasper states people are using the lot and we do have the potential for concrete damaging cars. She states we don't know what will happen and would think this would protect us. Mr. Thazhampallath states Atty. Smith can address the legal issues and the report is clear. We are taking steps necessary for public safety. Atty. Smith responds it would give opponents a sword if something did happen. Councilwoman Bartolotta states this is not a permanent fix; it needs to come down. Mr. Thazhampallath it is past its useful life.

Councilwoman Kasper asks for the Director's recommendation and it would be to make the repairs as the consultant gave us. Mr. Thazhampallath replies you can choose to do nothing. Councilman Serra what is your recommendation. Mr. Thazhampallath states he will abide by what the Council decides. Councilman Serra asks for his recommendation. Mr. Thazhampallath responds if it is more than 2 years, I would say do the repairs; if it is less than 2, then I would forego it. We can't close the upper level. The need exists to have the upper level open. Councilman Serra states if we make the fixes we are doing our due diligence; we are personally liable as well. Atty. Smith states we are on notice then I would want us to fix that if you want me to defend the case. Councilwoman Bartolotta states if you are not going to close it.

Mr. Thazhampallath states if you do not appropriate the money I would have to close the lower level. I can't tell you for sure if it will pass the public at referendum.

Point of Order

Councilman Serra states as a point of order, we passed this last budget year and there is no other change and our liability is there.

Acting Chair Santangelo states we are now into our next meeting; do we want to continue. Councilman Chisem asks what is the liability of keeping it open. Mr. Thazhampallath states currently we don't have damage expenditures; it is structurally sound and the claims and issues are in the lower level. We will be doing paving on the upper level to address the lower level issues. Councilman Chisem states so long as it is open we have to do this safety wise. Mr. Thazhampallath replies appropriate the funds and go forward with the current project or close the lower level.

Councilman Giuliano has one question for the city attorney. We are describing the repairs as band aiding. I am not comfortable doing that and saying we are somehow insulated from liability and you have to concede us out of the woods. Atty. Smith states the technical engineer is telling us to do the repairs. We have government immunity unless it is a discretionary act. Legally do the fix if we are being told to do the fix.

3. Questions to Directors Closes.

The Acting Chair closes the questions to directors and asks for a motion to adjourn.

4. Meeting adjourned.

Councilman Serra moves to adjourn and his motion is seconded by Councilwoman Kleckowski; the vote is unanimous. The Chair declares the meeting adjourned at 6:43 p.m.

ATTEST:

MARIE O. NORWOOD
COMMON COUNCIL CLERK